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UNCLAS SECTION 01 OF 02 THE HAGUE 001725

SIPDIS

DEPARTMENT FOR CA/OCS/CL, L/PIL - KOVAR, L/CA - O'CONNOR,  
EUR/AGS

E.O. 12958: N/A

TAGS: CASC NL GM HCOPIL

SUBJECT: LETTER TO THE SECRETARY FROM HCOPIL ON  
INTERNATIONAL CHILD ABDUCTION AND ACCESS TO CHILDREN ABROAD

¶1. EMBASSY HAS RECEIVED THE LETTER THAT FOLLOWS IN  
PARAGRAPH 2 FROM HANS VAN LOON, SECRETARY GENERAL OF THE  
HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW (HCOPIL), TO  
SECRETARY ALBRIGHT CONCERNING THE HAGUE CONVENTION ON CIVIL

SIPDIS

ASPECTS OF CHILD ABDUCTION. VAN LOON NOTES THE RECENT  
DISCUSSIONS OF THE OPERATION OF THE TREATY BETWEEN THE U.S.  
AND GERMANY AND PROPOSES A NUMBER OF PRACTICAL STEPS THAT  
COULD BE TAKEN UNDER HCOPIL AUSPICES TO MAKE OPERATION OF THE  
TREATY MORE EFFECTIVE. HE ALSO OFFERS TO HAVE HCOPIL HOST  
AND FACILITATE THE WORK OF THE JOINT USG - FRG EXPERTS GROUP  
REPORTEDLY PROPOSED TO ADDRESS U.S. GERMAN CHILD ABDUCTIONS  
AND ACCESS CONCERNS.

¶2. //BEGIN TEXT OF VAN LOON - ALBRIGHT LETTER//

MS. MADELEINE K. ALBRIGHT  
SECRETARY OF STATE

SIPDIS  
DEPARTMENT OF STATE  
WASHINGTON, D.C. 20520  
UNITED STATES OF AMERICA

THE HAGUE, 6 JUNE 2000  
NO 10656(00)VL/GB

DEAR MADAM SECRETARY OF STATE:

INTERNATIONAL CHILD ABDUCTION AND ACCESS TO CHILDREN ABROAD

IT WAS GOOD TO HEAR THAT PRESIDENT CLINTON AND BUNDESKANZLER SCHRODER AT THEIR MEETING IN BERLIN ON 1 JUNE 2000 HAVE AGREED THAT A JOINT EXPERTS GROUP SHOULD EXAMINE WAYS TO IMPROVE THE OPERATION OF THE HAGUE CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION AS BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY.

CONCERNS EXPRESSED IN THE UNITED STATES, IN PARTICULAR BY CONGRESS, AND ECHOED IN OTHER COUNTRIES ON THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND ACCESS TO CHILDREN ABROAD PROMPT ME TO SUGGEST CERTAIN PRACTICAL MEASURES WHICH WILL HELP TO IMPROVE THE CURRENT SITUATION. AS SECRETARY GENERAL OF THE HAGUE CONFERENCE, THE INTERNATIONAL ORGANISATION RESPONSIBLE FOR DRAWING UP THE HAGUE CHILD ABDUCTION CONVENTION, I FEEL STRONG RESPONSIBILITY, SHARED BY MY COLLEAGUES, FOR ENSURING THAT THE CONVENTION OPERATES TO ITS MAXIMUM EFFECT.

IN OUR VIEW, THE CONTINUED SUCCESS OF THE CONVENTION - WHICH HAS BEEN GENERALLY RECOGNISED AS AN EFFECTIVE DETERRENT AND REMEDY - WILL DEPEND ON MORE STRENUOUS EFFORTS BY THE CONTRACTING STATES TO CO-OPERATE AND VIGOROUSLY IMPLEMENT THE CONVENTION.

THE FOLLOWING ARE SOME OF THE PRACTICAL STEPS WHICH IN OUR VIEW ARE CRITICAL TO THE EFFECTIVE AND SMOOTH OPERATION OF THE CONVENTION;

¶1. THE DISSEMINATION OF BEST PRACTICES AND CASE LAW OF THE SIXTY CONTRACTING STATES;

¶2. THE COLLECTION AND PUBLICATION OF COMPARABLE DATA

CONCERNING KEY ASPECTS OF PERFORMANCE, RELATING, FOR EXAMPLE, TO ENFORCEMENT AND DELAYS;

3 TRAINING PROGRAMS, BOTH NATIONAL AND INTERNATIONAL, FOR JUDGES, LAW ENFORCEMENT OFFICERS AND OTHERS RESPONSIBLE FOR IMPLEMENTING THE CONVENTION.

14. REGULAR REVIEWS AT THE INTERNATIONAL LEVEL OF THE OPERATION OF THE CONVENTION, AT WHICH STATES PARTIES HAVE THE OPPORTUNITY BOTH TO HIGHLIGHT POOR PERFORMANCE AND TO SHARE EXAMPLES OF GOOD PRACTICE, AS WELL AS TO CONSIDER THE NEED FOR ADDITIONAL CONCERTED ACTION;

15. THE DEVELOPMENT OF TRANSNATIONAL MECHANISMS FOR ALTERNATIVE DISPUTE RESOLUTION, INCLUDING MEDIATION;

16. INCREASED FOCUS ON ACCESS RIGHTS BETWEEN CHILDREN AND BOTH PARENTS, THROUGH RATIFICATION OF EXISTING CONVENTIONS, IN PARTICULAR THE 1996 HAGUE CONVENTION ON THE INTERNATIONAL PROTECTION OF CHILDREN, AND THE POSSIBLE DEVELOPMENT OF A NEW INSTRUMENT.

THE PERMANENT BUREAU OF THE HAGUE CONFERENCE HAS BEEN MAKING, WITHIN THE RESTRAINTS OF LIMITED RESOURCES, STRENUOUS EFFORTS OVER MANY YEARS ON ALL OF THESE FRONTS (THE ATTACHED DOCUMENT PROVIDES FURTHER DETAILS). FOR EXAMPLE, WE LAUNCHED ON 9 MAY 2000 AN ELECTRONIC INTERNATIONAL DATABASE OF JUDICIAL DECISIONS CONCERNING THE CONVENTION ([HTTP://WWW.INCADAT.COM](http://www.incadat.com)); WE ORGANISED IN 1998 AND EARLY THIS WEEK A THREE-DAY SEMINAR FOR FORTY JUDGES, EACH TIME FROM DIFFERENT CONTRACTING STATES TO FAMILIARISE THEM WITH THE CONVENTION AND ENCOURAGE THEM TO CO-OPERATE ACROSS BORDERS; AND WE ARE CURRENTLY PREPARING FOR A FOURTH MAJOR MEETING OF CONTRACTING STATES TO TAKE PLACE IN MARCH 2001, FROM WHICH WE EXPECT TO SEE A NUMBER OF RECOMMENDATIONS EMERGING ON THE APPLICATION OF THE 1980 CONVENTION.

THE PERMANENT BUREAU IS GLAD TO OFFER ITS EXPERTISE, AND ITS PREMISES AT THE HAGUE TO FACILITATE THE WORK OF THE JOINT EXPERTS GROUP REFERRED TO ABOVE. WE BELIEVE THAT THE HAGUE CONFERENCE PROVIDES AN OBJECTIVE AND TRUSTED FORUM FOR INTERNATIONAL CO-OPERATION TO MAKE THE 1980 CONVENTION WORK.

WE WOULD ALSO HOPE THAT THE EXPERTS GROUP WOULD, AS PART OF THE REPORTED "ORGANISATIONAL AND INSTITUTIONAL CONSEQUENCES TO BE TAKEN", REFLECT ON WAYS TO REINFORCE THE CAPACITY OF THE PERMANENT BUREAU SO AS TO ENABLE US TO DO ALL THAT WE KNOW IS NEEDED TO GIVE THE CONVENTION THE BEST POSSIBILITY OF WORKING EFFECTIVELY.

YOURS SINCERELY,  
/S/  
HANS VAN LOON

//END TEXT OF LETTER//

13. THE LETTER HAS BEEN FAXED TO THE DEPARTMENT (L/PIL - KOVAR).  
SCHNEIDER